

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALBERT PITTS JR.,

Plaintiff,

ORDER

13-cv-725-wmc

THE STATE OF WISCONSIN,
DONALD J. HASSIN JR.,
DET. CRAIG DRUMMY,
KEVIN M. OSBORNE,
JENNIFER BAGDONGS and
JORGE R. FRAGOSO,

Defendants.

In response to an order dated October 30, 2013, plaintiff Albert Pitts, Jr. has submitted a copy of his inmate account statement for the period preceding the filing of his complaint. Accordingly, the court must determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350.00 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner requesting leave to proceed *in forma pauperis* must prepay an initial partial filing fee that consists of 20% of the greater of - - (A) the average monthly deposits to his account; or (B) the average monthly balance in his account for the six-month period immediately preceding the filing of the complaint.

From plaintiff's inmate account statement, the court calculates his initial partial payment to be \$44.00. For this case to proceed, plaintiff must submit this amount on or before December 12, 2013. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that:

1. The motion filed by plaintiff Albert Pitts, Jr. for leave to proceed without prepayment of fees (Dkt. # 2) is GRANTED.
2. Plaintiff is assessed \$44.00 as an initial partial payment of the \$350.00 fee for filing this case as an indigent litigant. He shall submit a check or money order made payable to the "Clerk of Court" in the amount of \$44.00 on or before December 12, 2013. Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).
3. No further action will be taken in this case until the court receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 20th day of November, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge